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27 Jordan Klein, Sr.; Jordan Klein, Jr.; John
28 Dann; and Oceanic Production
Equipment Ltd. ("Florida Defendants")

Attorneys for Oppenheimer Defendants,
(Local Counsel to Florida Defendants)

18 **UNITED STATES DISTRICT COURT**
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20 **CENTRAL DISTRICT OF CALIFORNIA WESTERN DIVISION**

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22 **VOICE INTERNATIONAL, INC., a**
23 **California corporation; DAVID**
24 **GROBER, an individual,**

25 **Plaintiffs,**

26 **vs.**

27 **OPPENHEIMER CINE RENTAL,**
28 **LLC, et al.**

Defendants

Case No.: 2:15-cv-08830-JAK-KS

Joint Status Report

Joint Status Report

Per Doc. 118, Plaintiffs served jurisdictional discovery and deposition notices on the Florida Defendants on March 17th. Plaintiff Grober, who represents himself in this action, will be out of the country on a U.S. naval research project, starting March 21, with an expected return date of April 26th. Plaintiffs propose that the depositions be scheduled the next week after he returns from his travels on May 3-5. Despite Defendants' attorneys' arguments below, who represent all Defendants, to the contrary, Plaintiffs are not requesting any additional time beyond that allowed in the Court's civil minutes dated March 7, 2017, Doc. 118. If deemed appropriate by the Court, Plaintiffs do not oppose a short continuance on the Markman Hearing.

Defendants oppose Plaintiffs' request for an additional five weeks to complete jurisdictional discovery in this action. Defendants contend Mr. Grober has retained counsel, Robert Lauson and Edwin Tarver of Lauson Tarver LLP, who represent his company, Plaintiff Voice International Inc., in this action as Plaintiff's counsel of record. Even accepting Mr. Grober's representation as true that he is traveling, this explanation certainly does not justify an additional five weeks to complete discovery, particularly when Mr. Grober has two other attorneys, Robert Lauson and Edwin Tarver of Lauson Tarver LLP, available to conduct depositions.

Furthermore, Defendants contend Plaintiffs' proposed schedule conflicts with the deadlines set by this court for Markman. The Court has scheduled a Markman Hearing on June 5, 2017. In the event this Court rules that it has jurisdiction over the Florida Defendants, the Florida Defendants must be given the opportunity to consider whether they will submit their own briefing for Markman. Under Plaintiffs' proposed schedule, the Florida Defendants reply brief on jurisdiction is due on May 25, 2017 with the Markman Hearing scheduled on June 4, 2017. Under Plaintiffs' proposed schedule, the Florida Defendants would be deprived

1 from any opportunity to submit their own claim construction arguments since the
2 Court will not likely rule on the issue of jurisdiction until after the Markman
3 Hearing concludes.

4 Plaintiffs also make a number of other egregious statements above. Among
5 them, Plaintiffs claim they are not requesting any additional time beyond that
6 allowed in the Court's civil minutes dated March 7, 2017, Doc. 118, but mislead
7 this Court by failing to acknowledge that they are asking this Court to change other
8 deadlines that have now passed including the deadline to add parties. The deadline
9 to add parties was January 16, 2017 (Dkt. No. 091). That deadline has now passed.
10 There is absolutely no reason to extend this deadline.

11 In addition, Plaintiffs have engaged in various acts of misconduct in order to
12 hide their true motives in trying to improperly extend the court's deadlines that
13 have now passed, including in the course of them preparing this joint statement.
14 Among them, shortly before the parties were prepared to submit this joint
15 statement, Plaintiffs removed an entire paragraph of Defendants' statement where
16 Defendants had addressed Plaintiffs' improper request to extend the deadline to add
17 parties. Without informing Defendants that they removed Defendants' argument,
18 Plaintiffs sent Defendants a non-redlined version of their changes without
19 acknowledging that they had removed Defendants' section. Defendants had asked
20 Plaintiffs to send them a redlined version. At first, Plaintiffs failed to even respond
21 to Defendants' request only to later inform Defendants that they had no intention of
22 sending them a redlined version or otherwise acknowledging that they had removed
23 this section. Instead, Plaintiffs informed Defendants that Defendants were response
24 to find out on their own about the changes Plaintiffs made to the Joint Statement.
25 According to Plaintiffs' counsel Robert Lauson,
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“Please read the short document and work with what you have. Valerie (Mr. Lauson’s secretary”) is unavailable at this moment. If you want a redline, you can have your secretary make one.”

Aside from this, Plaintiffs also misstate, above, that Defendants’ attorneys represent all Defendants. This is incorrect. Mark Young does not represent the Oppenheimer Defendants. He only represents the Florida Defendants. Fox Rothschild serves as outside counsel for the Oppenheimer Defendants and only serves as local counsel for the Florida Defendants.

The parties have conferred, but do not agree on a schedule. The parties therefore propose the following schedule:

	Plaintiffs’ Proposed Schedule	Defendants’ Proposed Schedule
Def’s Jurisdictional Discovery Reponses Due.	March 31, 2017	March 31, 2017
Jurisdictional Depositions of Florida Defendants	May 3-5, 2017	By April 10, 2017
Plaintiffs’ Supplemental Brief Due.	May 15, 2017	April 20, 2017
Defendants’ Reply Due	May 25, 2017,	April 27, 2017
Last day to add parties.	May 25, 2017, 10 days after the completion of jurisdictional discovery per the Court’s Order, Doc. 118	January 16, 2017 (Dkt. No. 091) (deadline has now passed).
Markman Hearing	June 5, 2017	June 5, 2017 (Dkt. No. 118).
Anticipated Ruling to be Issued on Markman Hearing	July 5, 2017	TBD
Patentee’s Deadline to File Final Infringement	July 12, 2017	July 12, 2017

1	Contentions, Expert Reports on Issues		
2	Where Patentee has		
3	Burden of Proof, All Parties File Advice of		
4	Counsel Disclosures.		
5			
6	Accused Infringer's Deadline to File Final	August 11, 2017	August 11, 2017
7	Invalidity Contentions, Rebuttal Expert		
8	Reports, and Opening Expert Reports Where		
9	Accused Infringer has Burden of Proof		
10			
11	Patentee's Deadline for Rebuttal Expert	September 11, 2017	September 11, 2017
12	Reports on Issues Where Accused		
13	Infringer has Burden of Proof		
14			
15	Last day to serve discovery	October 11, 2017	September 11, 2017
16			(if by personal service)
17	Discovery Cut-off		October 11, 2017
18	Last day to file motions (including	November 10, 2017	November 10, 2017
19	discovery motions)		
20	Last day to hear motions (including	January 10, 2018	January 10, 2018
21	discovery motions)		
22	Anticipated ruling on all motions	January 31, 2018	TBD
23			
24	Last day to file all pretrial documents	February 15, 2018	February 15, 2018
25	Final Pretrial Conference, Status	March 1, 2018	March 1, 2018
26	Conference Re Exhibits, and Hearing		
27	on Motions in Limine		
28			

1	Jury Trial	March 26, 2018	March 26, 2018
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3			
4	March 21, 2017	<u>/s/ David Grober</u>	
5		David Grober	
6		<i>In Pro Per</i>	
7			
8	March 21, 2017	LAUSON & TARVER, LLP	
9		<u>By: /s/ Robert Lauson</u>	
10		Robert Lauson, Esq.	
11		Attorneys for Plaintiff, Voice International	
12			
13	March 21, 2017	FOX ROTHSCHILD, LLP	
14		<u>By: /s/ Ashe Puri</u>	
15		Ashe Puri, Esq.	
16		Attorneys for Oppenheimer Defendants,	
17		(Local Counsel to Florida Defendants)	
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